

FILED

JUN 15 2000


CLERKIN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH DAKOTA

THE UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

No. CV-99-1024

DAY COUNTY, SOUTH DAKOTA; DAY)
COUNTY COMMISSION; LEONARD)
NAESSIG, LINDA WALTERS,)
ORVILLE HASELHORST, DARRYL)
HILLDEBRANT, and DOUG SMEINS)
each in his official)
capacity as Day County)
Commissioner; ENEMY SWIM)
SANITARY DISTRICT; THOMAS)
KNUTSON, DAVID BENIKE, and)
RAYMOND FOSTER, each in his)
official capacity as Enemy)
Swim Sanitary District)
Trustee,)

Defendants.)

UNOPPOSED MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE
DISSOLVING ENEMY SWIM SANITARY DISTRICT

The United States respectfully requests this Court to enter the attached Consent Judgment and Decree between the United States and Defendant Enemy Swim Sanitary District and Defendant Trustees Thomas Knutson and Raymond Foster (hereinafter "Enemy Swim Sanitary District Defendants").¹ In support of this motion, the United States has attached a memorandum of points and authorities, and states the following:

1. On May 10, 1999, the United States filed a Complaint in this action pursuant to 42 U.S.C. 1971(a)(1), 1971(a)(2)(A), 1971(c), Sections 2 and 12(d) of the Voting Rights Act of 1965,

¹

Defendant Trustee David Benike recently has died.

as amended, 42 U.S.C. 1973 and 1973j(d), and 28 U.S.C. 2201, to enforce rights guaranteed by the Fourteenth and Fifteenth Amendments to the United States Constitution. The Complaint alleges that Native Americans have been intentionally excluded from the Enemy Swim Sanitary District on the basis of race, thereby denying them the opportunity to vote and otherwise participate in the electoral process of the sanitary district.

2. The attached Consent Judgment and Decree dissolves the current Enemy Swim Sanitary District as of July 10, 2000. It also enjoins the Enemy Swim Sanitary District Defendants from taking further actions that would violate 42 U.S.C. 1971(a)(1), 1971(a)(2)(A), Sections 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973 and 1973j(d), and rights guaranteed by the Fourteenth and Fifteenth Amendments to the United States Constitution.

3. On May 27, 2000, the voters of the Enemy Swim Sanitary District approved the dissolution of the district.

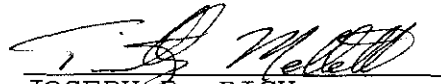
4. The United States is authorized to represent that the Enemy Swim Sanitary District Defendants support the entry of the attached Consent Judgment and Decree. Day County Defendants also have no opposition to the entry of this decree.

WHEREFORE, the United States respectfully requests that this motion be granted.

Respectfully submitted,

TED L. MCBRIDE
United States Attorney
for South Dakota

BILL LANN LEE
Acting Assistant Attorney General
Civil Rights Division

A handwritten signature in dark ink, appearing to read "Timothy F. Mellett", is written over a horizontal line.

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